

1 ANDREW L. PACKARD (State Bar No. 168690)  
2 WILLIAM N. CARLON (State Bar No. 305739)  
3 Law Offices of Andrew L. Packard  
4 245 Kentucky Street, Suite B3  
5 Petaluma, CA 94952  
6 Tel: (707) 782-4060  
7 Fax: (707) 782-4062  
8 E-mail: andrew@packardlawoffices.com  
9 wncarlon@packardlawoffices.com

10  
11 Attorneys for Plaintiff  
12 CALIFORNIANS FOR  
13 ALTERNATIVES TO TOXICS

14  
15 **UNITED STATES DISTRICT COURT**  
16 **NORTHERN DISTRICT OF CALIFORNIA**

17 CALIFORNIANS FOR  
18 ALTERNATIVES TO TOXICS,

19 Plaintiff,

20 vs.

21 SCHNEIDER DOCK & INTERMODAL  
22 FACILITY, INC., RYAN SCHNEIDER,  
23 and DAVID SCHNEIDER,

24 Defendants,

25 Case No. 3:17-cv-05287-JST

26 **STIPULATION GRANTING LEAVE TO  
27 FILE SECOND AMENDED  
28 COMPLAINT; {PROPOSED} ORDER  
THEREON**

29 Hon. Judge Jon S. Tigar

30 Plaintiff Californians for Alternatives to Toxics ("Plaintiff") and Schneider Dock &  
31 Intermodal Facility, Ryan Schneider, and David Schneider ("Defendants") by and through  
32 their respective counsel, hereby stipulate and agree as follows:

33 WHEREAS, on December 21, 2017, Plaintiff filed its First Amended Complaint  
34 (Docket No. 33) against Defendants alleging violations of the Clean Water Act;

35 WHEREAS, Plaintiff contends that, in January 2018, it discovered information  
36 concerning Schneider Dock Industrial Park, LLC ("SDIP"), and likewise contends that  
37 SDIP has violated, and continues to violate the Clean Water Act for failure to obtain

NPDES permit coverage for its industrial storm water discharges in an area adjacent to what Defendants contends is the “Facility” at issue;

WHEREAS, on February 9, 2018 Plaintiff provided Schneider Dock Industrial Park, LLC with Plaintiff's Notice of Violations and Intent to File Suit ("NOV") alleging violations of the Clean Water Act and the General Permit;

WHEREAS, pursuant to 33 U.S.C. § 1365(b) no citizen suit action to enforce the Clean Water Act may be commenced prior to sixty days after the plaintiff has given notice to EPA, the State, and the alleged violator, and *thus Plaintiff may not initiate an action to enforce the claims alleged in the NOV until April 10, 2018;*

WHEREAS, the Court's Scheduling Order (Docket No. 35) set the deadline to add parties or amend the pleadings to be February 23, 2018;

WHEREAS, Plaintiff now seeks to amend the Complaint to include Schneider Dock Industrial Park, LLC as a Defendant in this matter.

The parties stipulate, and good cause exists, that:

(1) After April 10, 2018, Plaintiff may file a second amended complaint naming

Schneider Dock Industrial Park, LLC as an additional Defendant in this matter.

(2) Defendants' response thereto shall be filed within thirty (30) days after the second amended complaint is filed.

## IT IS SO STIPULATED.

## LAW OFFICES OF ANDREW L. PACKARD

By: /s/ Andrew L. Packard

Andrew L. Packard  
Attorneys for Plaintiff  
CALIFORNIANS FOR  
ALTERNATIVES TO TOXICS

Dated: April 9, 2018

## CANNATA O'TOOLE FICKES ALMAZAN

By: /s/Kimberly A. Almazon  
Kimberly A. Almazon  
Attorneys for Defendants  
SCHNEIDER DOCK & INTERMODAL  
FACILITY, RYAN SCHNEIDER, and DAVID  
SCHNEIDER

## ATTESTATION FOR E-FILING

I hereby attest pursuant to Civil L.R. 5-1(i) (3) that I have obtained concurrence in the filing of this document from the other Signatory prior to filing.

DATED: April 9, 2018

By: /s/ Andrew L. Packard

## **ORDER APPROVING STIPULATION**

Good cause appearing to allow Plaintiff to file a second amended complaint after April 10, 2018, IT IS SO ORDERED.

Dated: April 10, 2018

  
Jon S. Tigar  
United States District Court Judge